IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.6378 of 2006

DATE OF ORDER: 25.1.2007

Dharam Pal

...Petitioner(s)

Versus

Bhagwant Singh and Others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. V.K. Jindal, Advocate.

Mr. Vikram Singh,Advocate.

Mr. Mohit Garg, Advocate for

Mr. Munish Mittal, Advocate for respondents No.2 to 9.

M.M. AGGARWAL,J

This is petition against order dated 23.11.2006 passed by Civil Judge(Jr.Divn.), Karnal whereby request of the petitioner-defendant to produce handwriting expert was declined.

The suit is for specific performance of agreement of sale. In this case, plaintiff had examined one handwriting expert namely Mani Jain, who was cross-examined on behalf of the defendant by Ravidhan Babbar another handwriting expert. Now the request is to produce that Ramdhan

Babbar handwriting expert by the defendant as their witness as far as signatures etc on that agreement of sale are concerned.

The request was declined by the trial Court relying upon a judgment of Andhra Pradesh High Court reported in R Bhaskar Reddy and Another v. Chinni @ Chengal Reddy and others, 1998(2) Civil Court Cases, 680 (Andhra Pradesh).

Counsel for the petitioner argues that in that case, the same party had made request whereas now request is by opposite party i.e defendant.

On behalf of the respondent, it is argued that this very Ramdhan Babbar had conducted cross-examination of the handwriting expert produced by the plaintiff, now respondent as PW4 and therefore no such opportunity should have been given.

In this case, plaintiff has already produced handwriting expert. Even he has been cross-examined by another handwriting expert on behalf of the defendant, now petitioner, still defendant-petitioner could be granted opportunity to produce his own handwriting expert. The judgment relied upon by the trial Court does not apply to the facts of the case.

Under these circumstances, this petition is allowed. Let defendant-petitioner be allowed to produce handwriting expert.

January 25, 2007 (M.M. AGGARWAL)
manoj JUDGE